

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 3: Rio Cebolla

**PUBLIC NOTICE AND ORDER TO SHOW CAUSE**

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE SURFACE WATERS OF THE RIO CEBOLLA SUBSECTION OF SECTION 3 OF THE RIO CHAMA STREAM SYSTEM.

AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE WATERS IN THE RIO CEBOLLA SUBSECTION OF SECTION 3 OF THE RIO CHAMA STREAM SYSTEM FOR IRRIGATION PURPOSES AND WHOSE NAMES APPEAR BELOW:

**Pre-1907 Surface Water Irrigation Rights:**

**ACEQUIA DEL PINAVETAL**

**PRIORITY 1883\***

**Defendants:** David E. Archuleta, Lydia U. Archuleta, Nelda J. Archuleta, Sara Maes Benavidez, Charlie Chacon, GERALDA M. Chacon, William R. Clark, Lydia Maes Garcia, Maureen E. Havey, Gilbert L. Maes, Roman And Mary C. Martinez Liv. Trust, Edward L. Mcmillen, Delfin O. and Frances S. Quintana Trust, Kaye D. Raymond, Margarita Maes Ryzdyski, Elmer H. Salazar, Susie Salazar, Ernest Sanchez, Margie K. Sanchez, Felix Valdez, Gabriel Valdez Jr.

**ACEQUIA MADRE DE CEBOLLA**

**PRIORITY 1875**

**Defendants:** Elizabeth L. Amos, David E. Archuleta, Lydia U. Archuleta, Lupe Bustos, Orlando Bustos, Glorianna G. Chacon, Jose D. Chacon, Joseph J. Chacon, Jose Lucas Cordova, Joe M. Madrid, Phyllis Madrid, Cippie Maez, Eddie Maez, Erma Maez, Gus Martinez, Jenny A.

Martinez, Delfin O. and Frances S. Quintana Trust, Felipe B. Rivera, Flora Rivera, Ignacita V. Rodella, Robert Sanchez, Esther L. Sanchez

**ALTO DITCH**

**PRIORITY 1889\***

**Defendants:** Juan Archuleta, Pablo Archuleta Jr, Jose Lucas Cordova, Joe M. Madrid, Phyllis Madrid, Alice Martinez, Elizabeth M. Martinez, Gilbert J. Martinez, Max D. Martinez

**ATENCIO NORTH DITCH**

**PRIORITY 1882**

**Defendants:** Clyde C. Baker, Theresa Baker, Mario R. Martinez, Sophia D. Martinez

**ATENCIO SOUTH DITCH**

**PRIORITY 1882**

**Defendants:** Clyde C. Baker, Theresa Baker

**CANUTO VALDEZ DITCH**

**PRIORITY 1897**

**Defendants:** Edna Q Cova, Guillermo J. Cova

**CORDOVA-MAES NORTH DITCH**

**PRIORITY 1875**

**Defendants:** Jose Lucas Cordova

**EMILIANA MAES SOUTH DITCH**

**PRIORITY 1906**

**Defendants:** Arthur F. Hibner Revocable Trust, Mario R. Martinez, Sophia D. Martinez

**FELIPE ARCHULETA DITCH**

**PRIORITY 1903**

**Defendants:** David E. Archuleta, Lydia U. Archuleta

**H.B. AND G.C. MARTINEZ DITCH**

**PRIORITY 1878**

**Defendants:** Adela Martinez, David R. Martinez, Charles K. Walker, Lillian M. Walker

**JULIAN SERRANO DITCH**

**PRIORITY 1906**

**Defendants:** Flavio Gurule, Estate of Julian Serrano, Deceased, Epifanio J. Trujillo, Rebecca D. Trujillo

**MAES SOUTH DITCH**

**PRIORITY 1876**

**Defendants:** Jose Lucas Cordova, Joe M. Madrid, Phyllis Madrid

**MARTINEZ-CORDOVA NORTH DITCH**

**PRIORITY 1879**

**Defendants:** Jose Lucas Cordova, James S. And Parrie V. Shortle Rev Trust

**MARTINEZ-CORDOVA SOUTH DITCH**

**PRIORITY 1879**

**Defendants:** Jose Lucas Cordova, James S. and Parrie V. Shortle Revocable Trust

**MONTANO-MARTINEZ DITCH**

**PRIORITY 1882**

**Defendants:** Joe M. Madrid, Phyllis Madrid

**NICOMEDES TRUJILLO DITCH**

**PRIORITY 1904**

**Defendants:** David E. Archuleta, Lydia U. Archuleta

**OLD VALDEZ DITCH**

**PRIORITY 1878**

**Defendants:** Charlie Chacon, GERALDA M. Chacon

**QUINTANA DITCH**

**PRIORITY 1875**

**Defendants:** Jose Lucas Cordova, Delfin O. and Frances S. Quintana Trust

**SANCHEZ DITCH**

**PRIORITY 1898**

**Defendants:** Ernest Sanchez, Margie K. Sanchez

**SANCHEZ DITCH**

**PRIORITY 1905**

**Defendants:** Charlie Chacon, GERALDA M. Chacon

**SKELLY-MAES DITCH**

**PRIORITY 1906**

**Defendants:** Maclovio Gurule

**TRUJILLO-LOPEZ DITCH**

**PRIORITY 1898**

**Defendants:** Clorinda N. Sanchez, Medardo Sanchez Jr, Epifanio J. Trujillo, Rebecca D. Trujillo

**UNNAMED DITCH NO. 1****PRIORITY 1875****Defendants:** Delfin O. and Frances S. Quintana Trust**UNNAMED DITCH NO. 2****PRIORITY 1875****Defendants:** Jose Lucas Cordova**VENCESLAO MARTINEZ DITCH****PRIORITY 1886****Defendants:** Jose Lucas Cordova, Alfonso G. Sanchez, Cecilia Sanchez, James S. and Parrie V. Shortle Revocable Trust, Alex Sisneros, Juanita Sisneros

Please note: the Acequia del Pinavetal and the Alto Ditch, which are marked with an asterisk (\*) above, convey water with both pre-1907 and post-1907 water rights. If you have both pre-1907 and post-1907 water rights on one of these ditches, only the post-1907 water rights acreage is detailed below.

**Lands Irrigated under an Approved Permit or Final License from the State Engineer:**

<u>SUBFILE, CLAIMANT</u>	<u>OSE LICENSE, DITCH</u>	<u>ACRES</u>	<u>PRIORITY DATE</u>
CHCB-001-0001F Azalea Maes Celeste Maes Immanuel Maes Joshua Maes Lorie Martinez Petra Maes	No. 2686 Acequia del Pinavetal	10.60	November 21, 1949
CHCB-001-0004 Tobias H. Sanchez	No. 2738 Acequia del Pinavetal	1.70	August 3, 1951
CHCB-003-0001 Galina V. Vigil Frederick R. Vigil	No. 2631 Alto Ditch	23.30	March 29, 1948
CHCB-003-0002 Pablo Archuleta Jr. Juan Archuleta	No. 2631 Alto Ditch	25.10	March 29, 1948

CHCB-003-0022 Adela Martinez David R. Martinez	No. 2631 Rincon Blanca Ditch	20.00	March 29, 1948
CHCB-006-0001 Arthur F. Hibner Revocable Trust	No. 2658 Sixto Alire Ditch "A"	47.30	November 18, 1948
	No. 2658 Sixto Alire Ditch "B"	21.80	November 18, 1948
	No. 2658 Sixto Alire Ditch "C"	63.50	November 18, 1948
	No. 2658 Emiliana Maes North Ditch	28.10	November 18, 1948
CHCB-007-0001 Jedburgh Ltd.	No. 2631 Rincon Blanca Ditch	10.00	March 29, 1948
CHCB-007-0002A Donna M. Martinez Leroy A. Martinez	No. 2631 Rincon Blanca Ditch	15.00	March 29, 1948
CHCB-007-0002B Martinez Ranch Partnership	No. 2631 Rincon Blanca Ditch	30.00	March 29, 1948
CHCB-007-0003 Gustavo Martinez Rosina Martinez	No. 2631 Rincon Blanca Ditch	40.90	March 29, 1948
CHCB-007-0004 Mary Jo Martinez	No. 2631 Rincon Blanca Ditch	17.30	March 29, 1948
CHCB-007-0005 Heirs of Gilberto Martinez	No. 2631 Rincon Blanca Ditch	4.80	March 29, 1948
CHCB-007-0007 Alice Martinez Max D. Martinez	No. 2631 Rincon Blanca Ditch	2.00	March 29, 1948

CHCB-008-0001	No. 2631-2735	320.00	March 29, 1948
Clyde C. Baker	Rincon Blanca Ditch		
Theresa Baker			

**Transferred Water Rights:**

<u>MOVE-TO LOCATION</u>	<u>DITCH</u>	<u>OSE PERMIT</u>	<u>PRIORITY DATE</u>
CHCB-002-0001B	Chacon Ditch	No. 0636-D	1883
Charlie Chacon			
Geralda M. Chacon			

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water rights, or the proposed priority date of the water rights for any other defendant using surface water for irrigation purposes in the Cebolla Subsection of Section 3 of the Rio Chama Stream System ("Cebolla Subsection"). The priority dates described above will apply to all individual surface water irrigation rights associated with the ditches, approved permits, and final licenses issued by the Office of the State Engineer as described above, unless you or other persons file objections. The priority dates for water rights described herein will also apply to any spring that serves as a source of water for irrigation purposes, as described in individual subfile orders filed with the Court.

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Cebolla Subsection. The State's proposed irrigation water requirements are categorized below under two headings: "Pre-1907 Surface Water Irrigation Rights" and "Lands Irrigated under a Permit or License from the State Engineer."

**Pre-1907 Surface Water Irrigation Rights:**

The State proposes the following irrigation water requirements for pre-1907 surface water irrigation use in the Cebolla Subsection:

- a. The weighted consumptive irrigation requirement (CIR) is 1.09 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.725 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.54 acre-feet per acre per annum.

The lands under ditches in the Cebolla Subsection to which these amounts apply are those identified above as Pre-1907 Surface Water Irrigation Rights. The irrigation water requirements for lands irrigated under an approved permit or final license issued by the Office of the State Engineer are identified below (Lands Irrigated Under an Approved Permit or Final License from

the State Engineer).

**Lands Irrigated under an Approved Permit or Final License from the State Engineer:**

The State proposes the following irrigation water requirements for those lands in the Cebolla Subsection that are irrigated under an approved permit or final license from the State Engineer:

**OSE LICENSE NO. 2686**

Acequia del Pinavetal

CHCB-001-0001F

- a. CIR = 1.09 acre-feet per acre per annum.
- b. FDR = 3.00 acre-feet per acre per annum.
- c. PDR = 5.00 acre-feet per acre per annum.

**OSE LICENSE NO. 2738**

Acequia del Pinavetal

CHCB-001-0004

- a. CIR = 1. 09 acre-feet per acre per annum.
- b. FDR = 3.00 acre-feet per acre per annum.
- c. PDR = 5.00 acre-feet per acre per annum.

**OSE LICENSE NO. 2658**

Sixto Alire "A," "B," and "C;" and Emiliano Maes North Ditches

CHCB-006-0001

- a. CIR = 1. 09 acre-feet per acre per annum.
- b. FDR = 3.00 acre-feet per acre per annum.
- c. PDR = 5.00 acre-feet per acre per annum.

**OSE LICENSE NO. 2631**

Alto Ditch

CHCB-0003-0001; CHCB-003-0002

- a. CIR = 1. 09 acre-feet per acre per annum.
- b. FDR = 3.00 acre-feet per acre per annum.
- c. PDR = 5.00 acre-feet per acre per annum.

Under OSE License No. 2631, from April 1<sup>st</sup> to October 1<sup>st</sup> of each year, water may be diverted into the Alto Ditch at the rate and in the amount of surplus or rejected flows as

indicated by the flow at the mouth of El Rito de la Cienega Redonda or the flow of Cebolla Creek just below the mouth of Emiliana Maes North Ditch, whichever is the lesser. During the remainder of the year, from October 1<sup>st</sup> to April 1<sup>st</sup>, water may be diverted into the Alto Ditch at a rate of 15 cubic feet per second at times needed.

OSE LICENSE NOS. 2631; 2631-2735

Rincon Blanca Ditch

CHCB-003-0022; CHCB-007-0001; CHCB-007-0002A; CHCB-007-0002B; CHCB-007-0003; CHCB-007-0004; CHCB-007-0005; CHCB-007-0007; CHCB-008-0001

- a. CIR = 1.09 acre-feet per acre per annum.
- b. FDR = 3.00 acre-feet per acre per annum.
- c. PDR = 5.00 acre-feet per acre per annum.

Under OSE License Nos. 2631 and 2631-2735, from April 1<sup>st</sup> to October 1<sup>st</sup> of each year, water may be diverted into the Rincon Blanca Ditch at the rate and in the amount of surplus or rejected flows as indicated by the flow at the mouth of El Rito de la Cienega Redonda or the flow of Cebolla Creek just below the mouth of Emiliana Maes North Ditch, whichever is the lesser. During the remainder of the year, from October 1<sup>st</sup> to April 1<sup>st</sup>, water may be diverted into the Rincon Blanca Ditch at a rate of 15 cubic feet per second at times needed.

OSE LICENSE NO. 0636-D

Chacon Ditch

CHCB-002-0001B

- a. CIR = 1.09 acre-feet per acre per annum.
- b. FDR = 3.00 acre-feet per acre per annum.
- c. PDR = 5.00 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" (CIR) refers to the quantity of water, expressed in acre-feet per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" (FDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The term "Project Diversion Requirement" (PDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year.



The irrigation water requirements set forth above do not include diversion requirements associated with stockwatering, stockponds, or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any person you may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the surface water irrigation rights for irrigation use in the Cebolla Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates and irrigation water requirements in the Cebolla Subsection. Subsequent inter se proceedings in the Cebolla Subsection will not include the opportunity to object to those determinations.

In cases where defendants in the Cebolla Subsection have previously agreed with the State on the priority dates or irrigation water requirements for their water rights, and those priority dates irrigation water requirements have been incorporated into subfile orders entered by the Court, those priority dates and irrigation water requirements cannot be challenged by those defendants. However, other persons with standing may file objections.

**IT IS THEREFORE ORDERED THAT** if you object to any of the priority dates stated above, or the irrigation water requirements for surface water irrigation use in the Cebolla Subsection as stated above, you must file the form entitled Objection and Response to Notice and Order to Show Cause with the Court, in person or by mail **FOR RECEIPT NO LATER THAN DECEMBER 11, 2017 to:**

**United States District Court Clerk  
333 Lomas Blvd. NW, Suite 270  
Albuquerque, NM 87102**


If you timely file an objection, the Court will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and attend the scheduling and pretrial conference, you may not raise objections in the future.

If you have any questions, please call or write:  
Felicity Strachan or John W. Utton

Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 827-3989  
Felicity.strachan@state.nm.us

Attorney for Asociación de Acéquias  
Norteñas de Rio Arriba  
Utton & Kery, P.A.  
317 Commercial, N.E., Suite 316  
Albuquerque, NM 87102  
(505) 699-1445  
john@uttonkery.com

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "Kirtan Khalsa", written over a horizontal line.

KIRTAN KHALSA  
UNITED STATES MAGISTRATE JUDGE